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RESEARCH REPORT

SURVEY OF SEXUAL ASSAULT SURVIVORS

2000-4e

Tina Hattem
Research and Statistics Division

October 2000

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The views expressed herein are solely those of the authors and do not necessarily reflect those of the Department of Justice Canada

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Acknowledgements

The Department of Justice Canada undertook the Survey of Sexual Assault Survivors in collaboration with the Canadian Association of Sexual Assault Centres (CASAC) and eleven of its member centres.

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1.0 INTRODUCTION

The Department of Justice Canada undertook the Survey of Sexual Assault Survivors in collaboration with the Canadian Association of Sexual Assault Centres (CASAC) and eleven of its member centres.[1] The objectives of the survey were to gain a better understanding of:

- what sexual assault survivors consider when deciding whether or not to report their abuse to the police;
- the impact of possible record disclosure on that decision;
- the experiences of survivors who do report; and
- what women would change in how the criminal justice system handles sexual assault cases.

[1] The participating centres are listed in Appendix 1.

2.0 SURVEY METHODOLOGY

The questionnaire and procedures for initiating and implementing the project were developed by Justice Canada researchers in consultation with staff at the participating sexual assault centres.

The questionnaire (comprised of 35 questions) was administered over the telephone by four researchers hired by the Department of Justice Canada. Justice Canada selected the interviewers based on their experience in the area of violence against women as well as for their proven skills in conducting sensitive interviews. A total of 102 telephone interviews were conducted.

Staff at the centres were responsible for briefing past and current clients on the purpose of the survey[2], recruiting women to participate, setting up interview times and, most importantly, providing survey respondents with any emotional support they might require before and/or after the interview.

Staff at the centres sought the participation of a group of women that had a diverse range of experiences. Accordingly, staff approached sexual assault survivors who had reported their abuse to the police, gone to court and/or had their personal records accessed, as well as survivors who had not. They also approached women from various social, cultural and economic backgrounds.

As the study was primarily qualitative in nature, the criteria for selecting respondents were intended to ensure that a diverse sample of women with various levels of experience with the criminal justice system was surveyed rather than ensuring representativeness in a statistical sense. This should be kept in mind when reviewing the tables and figures, which are included for descriptive purposes.

The interviews took place between July 20 and August 6, 1998. To protect their anonymity, the women participating in the survey placed the call to the interviewers themselves, at a pre-arranged time. Most of the women called collect from a private office in one of the centres; the others called from their homes. In compensation for their participation, all of the women received an honorarium. Their transportation and childcare costs associated with participating in the study were also reimbursed.

The women were asked about their experiences of abuse, the factors that influenced their decision to report to the police (or not), as well as their experiences and views concerning record disclosure and the criminal justice system in general. Most of the questions were open-ended in order to allow the women to talk about the aspects of their experiences that were most important to them and to express their views as freely as possible.[3]

The length of the interviews varied between 10 and 90 minutes. Slightly more than half of the interviews were completed in less than 30 minutes and close to a third in 30 to 60 minutes. Only 15% of the interviews were longer than an hour.

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[2] Staff members were provided with an information sheet for their own use and for distribution to their clients. The sheet is included in Appendix 2.

[3] The survey questionnaire is included in Appendix 3.

Overall, staff at the sexual assault centres received positive feedback on the survey experience from participating women. Specifically, women appreciated the opportunity to voice their experiences, particularly without having to fear that their words could be used against them.

It is important to note that the women who participated in the survey did so despite what they described as generally negative experiences with the criminal justice system. For many of these women, participation was a leap of faith based on the hope that the survey would help "to change things".

3.0 CHARACTERISTICS OF THE WOMEN INTERVIEWED

As shown in Table 3.1, slightly more than half (52%) of the women interviewed for the survey live in Ontario, a third (34%) live in British Columbia and the remaining women (14%) live in Newfoundland or Nova Scotia.[4]

TABLE 3.1 INTERVIEWS BY JURISDICTION

JURISDICTION	NUMBER	PERCENTAGE
Newfoundland/Nova Scotia	14	14
Ontario	53	52
British Columbia	35	34
Total	102	100%

The women interviewed were between 15 and 55 years of age, with almost two-thirds (64) between the ages of 25 and 39. Although ten of the women involved in the study were not Canadian citizens, all had lived in Canada for a significant period of time, ranging from 9 to 37 years. Ten of the women interviewed declared being of Aboriginal ancestry and another 10 declared that they belonged to another ethnocultural group. Sixteen women said that they were living with a disability. Thirteen indicated that they were lesbian.

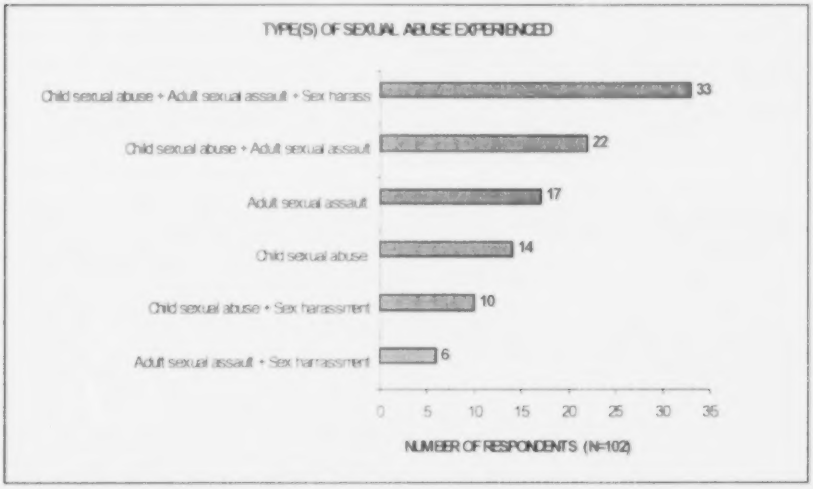
While these numbers clearly demonstrate the heterogeneity of the women selected to participate in the study, the reader will note that the survey findings reveal a striking commonality of experiences.

[4] These four jurisdictions were included in the survey due to the high level of activity in terms of court actions and/or applications for record disclosure.

4.0 EXPERIENCES OF ABUSE

The women who participated in the survey were asked about the type(s) of sexual abuse they had experienced. The response categories were child sexual abuse, adult sexual assault and sexual harassment. Figure 4.1 clearly indicates that the large majority of the women (71) reported having experienced more than one type of sexual abuse.

FIGURE 4.1



In fact, over half (55) of the women had experienced both child sexual abuse and adult sexual assault. Almost a third (33) had experienced all three types of abuse. It is interesting to note that all of the respondents who reported being sexually harassed also reported experiencing at least one other form of sexual abuse.

Although the women were not specifically asked about their relationship to the abuser, some women spoke of it during the course of the interview. In most of these cases the perpetrator was a man who was known to them. These men included family members, spouses or acquaintances as well as men in positions of trust or authority such as teachers, doctors or – in one case – a police officer. Very few women reported being abused or assaulted by a stranger. This finding is consistent with data from other studies.[5]

[5] Tomlinson, D. Police-reporting Decisions of Sexual Assault Survivors: An Exploration of Influential Factors. Calgary: Calgary Communities Against Sexual Assault, (1999).

5.0 OVERVIEW OF THE WOMEN'S CASES

Recent research findings indicate that most sexual assaults are not reported to the police. For example, Statistics Canada's most recent victimisation surveys (in 1993 and 1988) showed that 90% of sexual assault cases went unreported.[6]

Figure 5.1 provides an overview of the survey respondents' relative involvement in the criminal justice system and the eventual outcome of their cases. It indicates that the level of reporting by the survey respondents was much higher than those found in the above-noted victimisation surveys. This difference in reporting may be due to the fact that the women who agreed to participate in the study had benefited from information and support provided by sexual assault centre staff and other survivors. The information and support provided to the women may have served to equip them with the knowledge and validation necessary to report sexual assault to the police.

In addition, Figure 5.1 clearly shows the attrition of cases through the system.

FIGURE 5.1[7]

Close to 90% (87 out of 102) of the survey respondents indicated that they had considered reporting their abuse experience(s). The abuse was brought to the attention of the police in almost 75% of these cases (64 reported cases). In most of those cases (56), the women reported the abuse themselves; in the others (8), it was reported by a third party, sometimes without the woman's knowledge or consent.

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[6] Gartner, R. and A. N. Doob. "Trends in Criminal Victimization: 1988-1993". Juristat, Vol.14, No. 13, (1994)

[7] Note: not all cases were completed at the time of the survey.

Over two thirds (43 out of 64) of the women who reported their abuse indicated that the police arrested or at least questioned the alleged abuser, most often on the same day or within a week of the report. In 19 reported cases, the abuser was not arrested or questioned by the police. The interviewers asked the survivors in these cases why their abuser had not been "picked up" by the police. Of the 18 women who responded, over half (10) said that they did not know. Four women indicated that their complaint was deemed unfounded by the police. Four others said that their abuser was not located. Close to two thirds of the women (39 out of 64) indicated that a charge was laid.

Of the 30 court cases that were completed at the time of the survey, over half (18) resulted in a conviction. Of the remaining cases, 8 resulted in the accused being acquitted and 4 in the charges being withdrawn.

Cases of child sexual abuse and adult sexual assault were compared to identify any differences in the extent of reporting and convictions between the two. Although Figures 5.2 and 5.3 reveal similar patterns, the number of convictions for child sexual abuse is slightly higher, despite less reporting.

FIGURE 5.2

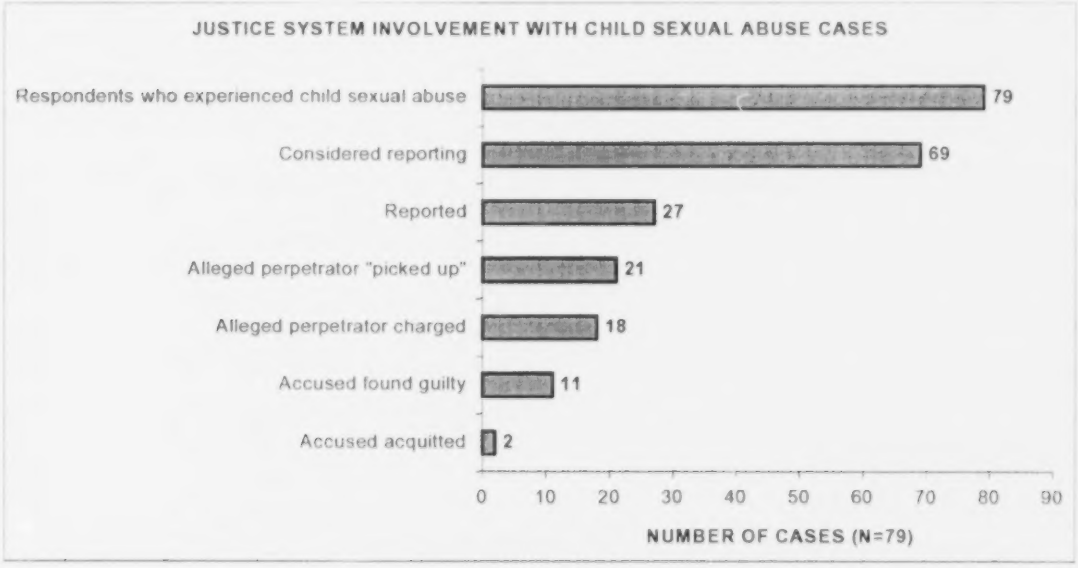
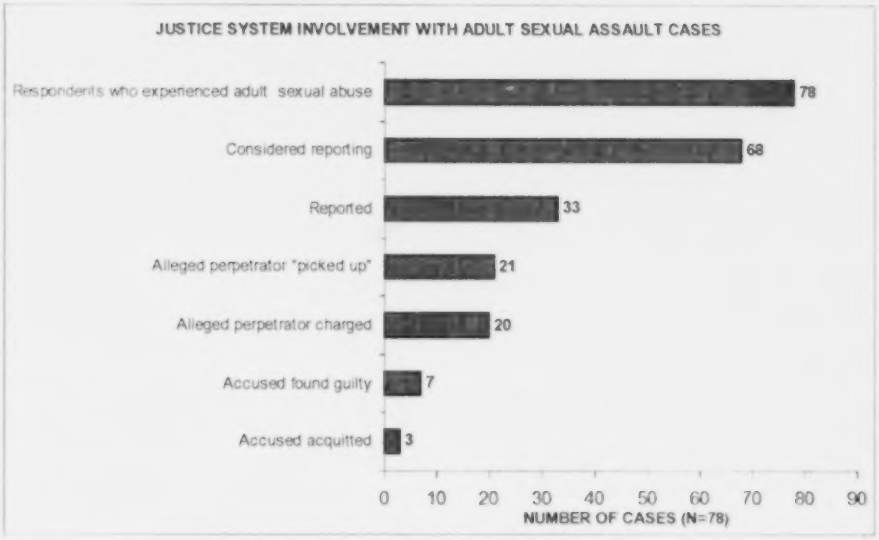


FIGURE 5.3



In the 39 cases in which the police laid charges, the women were asked whether or not they had been kept informed of the developments in their case. As shown in Table 5.1, over half (21) indicated that they had been kept informed while over a third (14) responded that they had had to seek out the information themselves. Only four women reported that they had received no information on the progress of their case.

TABLE 5.1 INFORMATION PROVIDED ON THE DEVELOPMENTS OF THE CASE

INFORMATION PROVIDED	NUMBER
Victim kept informed	21
Victim called for information	14
No	4
Total	39

The 35 survivors who had received information on the progress of their case were asked about the source of information. Some of the 31 women who responded to this question mentioned more than one source, for a total of 43 responses. As shown in Table 5.2, the investigating police officer was named in close to half of the responses (20), followed by Crown attorneys (9) and victims' services staff (8).

TABLE 5.2 INFORMATION PROVIDER

INFORMATION PROVIDER	NUMBER
Investigating police officer	20
Crown attorney	9

Victim's services	8
Sexual assault centre/shelter	5
Other	1
Total	43

6.0 DECIDING WHETHER OR NOT TO REPORT

As previously mentioned, the great majority (87) of the women interviewed for this survey said that they had thought about reporting their experience(s) of abuse to the police. Only 14 said that they had not considered it (and one respondent did not provide an answer to this question).

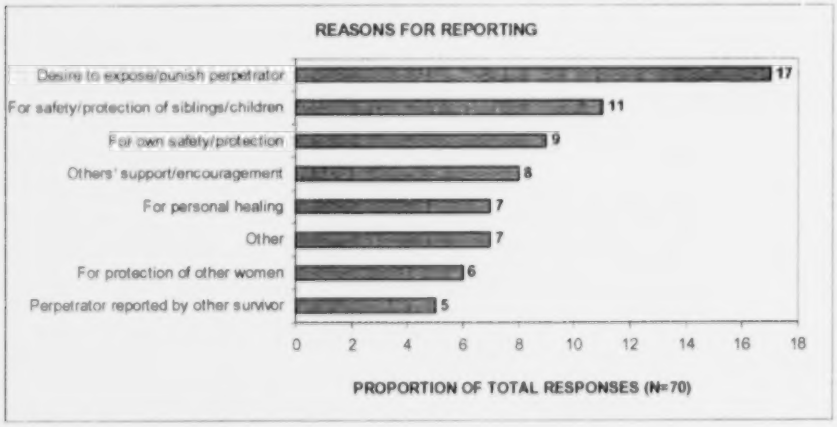
Women were asked to talk about the reasons that encouraged them to report the abuse, as well as the reasons that discouraged them from doing so. Again, the questions were open-ended so that the women would have the freedom to identify all of the factors that impacted on their decision. Many of the women cited more than one reason for following a particular course of action, especially for not reporting.

As the following figures will indicate, the women's decision to report (or not) is influenced by a number of considerations. One of the most important considerations is the women's perception of how the criminal justice system responds to sexual assault, including the behaviour and attitudes of criminal justice personnel. Another is their perception of what happened. For example, women who recognise the assault as abuse and that abuse is a crime are more likely to report than women who feel ashamed or feel responsible for what happened to them. Yet another influence on the decision whether to report is the reaction of their spouses, family members and/or friends.

6.1. a. Reasons for Reporting

Of the 64 women who indicated that they reported their assault to the police, 55 provided reasons for doing so. As 14 respondents gave more than one reason, there are a total of 70 responses. These are summarised in Figure 6.1.

FIGURE 6.1



It can be seen that almost 40 percent of responses indicated that survivors reported their abuse to police to stop or prevent further abuse to self and others (combining "for the protection of siblings/children", "for own safety" and "for protection of other women").

Approximately a quarter of the responses indicated a desire on the part of the women to expose or punish the perpetrator. They expressed various reasons for doing this. For example, they believed that "what happened was wrong", that "it was an assault" (not something that they had brought on themselves) and that "no one should get away with woman or child abuse".

Other women said they reported because of the support they had received from those around them: partners, relatives, friends, counsellors, healthcare professionals and - in two instances – an empathetic (male) police officer. In one case, the woman stated that the police officer's empathy had encouraged her to proceed with charges. In the other case, the woman recalled that the detective involved in the investigation had helped her get through the Crown interview, adding, "it would have been terrible without him".

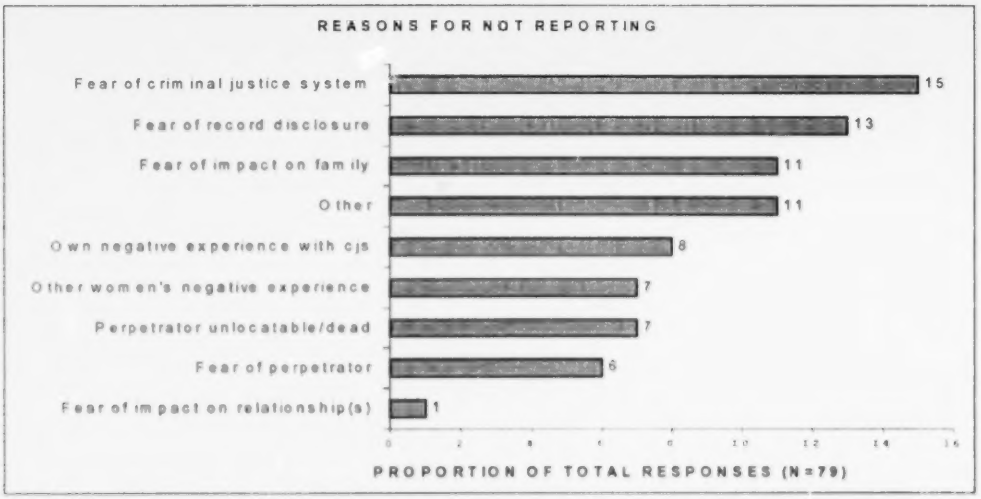
Women with little or no previous knowledge or experience of the criminal justice system had hoped that reporting would somehow help them to heal and to regain some degree of control over their lives. Unfortunately, they generally indicated that their experiences did not meet their expectations.

It is also noteworthy that some women only turned to the justice system once other options had failed. For instance, one explained that the abuser's refusal to seek counselling left her with "no other choice" but to go to the police. Another decided to report a colleague's sexual harassment "because 'no' was not being taken as an answer".

6.1. b. Reasons for Not Reporting

Of the 38 women who provided reasons for not reporting their abuse to the police, 25 gave more than one reason, for a total of 79 responses. These are summarised in Figure 6.2.

FIGURE 6.2



Some women did not report because they were afraid of their abuser and – as one of them put it - "frightened into silence". For example, a woman who was repeatedly abused by her stepfather recalled that he had threatened to kill her, her mother and her siblings if she ever told "the secret" to anyone.

Others decided against reporting because of pressure from their families. A woman who had been trying to report her experience of child sexual abuse since the age of 13 recalled her family's persistent denial and insistence that she "not tell". It is only as an adult with children of her own that she reported the abuse for the protection of her children and the children of others.

However, the most frequently mentioned reasons for not reporting are related to the women's past experiences or current beliefs concerning criminal justice responses to sexual assault cases.

Based on their own negative experiences with the system or those of other women they knew, some respondents feared that they would not be believed or taken seriously by the police or the courts.[8] For instance, women who were abused by a respected or influential man in their community feared that their word would not be taken over his. Similarly, a woman of Indonesian descent did not report her assault because she felt that systemic racism would prevent "anyone believing the story of a dirty Indian over that of a nice white boy".

Women also feared that they would somehow be blamed for the assault. This was the case for a woman who was sexually assaulted after a party, as she had had a few drinks and had accepted a ride home from the man who assaulted her.

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[8] For an analysis of the factors that police officers take into account in their assessment and decisions of how to proceed with reports of rape/sexual assault, see Rose, V. M. and S. C. Randall (1982) or Kersteller, W. A. and B. Van Winkle (1990).

These findings are consistent with the findings of other studies. Lizotte (1985) found that unlike the victims of non-sexual assault, "victims of rape have a tendency to only report to the police when the probability of conviction is high. And they tend not to report when it is low".[9] He relates this finding to what he calls the "trauma of the conviction process". Tomlinson (1999) calls this trauma "secondary victimization".[10] However, Tomlinson points out that "it is important to the discussion of secondary victimization to acknowledge survivors need not have experience with or even know someone who has had experience with secondary victimization in order for it to have an influence on their decision to report. Equally influential in the reporting decision are survivors' perceptions or anticipation of secondary victimization by helping professionals."[11] Tomlinson argues that the majority of factors that limit police reporting, including the trauma of the conviction process, stem directly from rape myths that are deeply embedded in our general culture.[12]

Concern over the possibility of record disclosure was also a major reason for not reporting. Women said that they were unwilling to risk being re-victimised by "being put under the microscope during the trial", by having their personal life exposed in front of their abuser and others, or by having their personal information used against them.

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[9] Lizotte, A. J. "The Uniqueness of Rape: Reporting Assaultive Violence to the Police." Crime and Delinquency, Vol. 31, No. 2 (1985), p. 18.

[10] Tomlinson, D. Police-reporting Decisions of Sexual Assault Survivors: An Exploration of Influential Factors. Calgary: Calgary Communities Against Sexual Assault, (1999), p. 5.

[11] Ibid, p. 5.

[12] Ibid, p. 86.

7.0 WOMEN'S AWARENESS OF THE POSSIBILITY OF RECORD DISCLOSURE

The survey respondents were asked if they had been aware of the possibility of record disclosure before they made their decision whether or not to report. Of the 101 women who responded to this question, over a third (40) said that they were not. In fact, two women only learned about the possibility of record disclosure "in court".

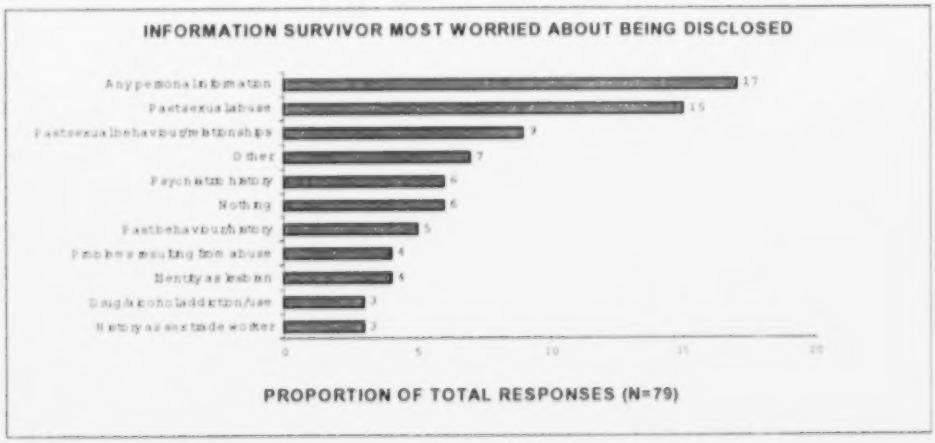
The (61) women who were aware of the possibility of record disclosure were asked how they found out about it. Some of the women provided more than one response, for a total of 85 responses. Table 7.1 indicates that the most frequent source of information was the women's centres (37), followed by the media (21) and, to a lesser extent, other women (13).

TABLE 7.1 INFORMATION SOURCE ON POSSIBILITY OF RECORD DISCLOSURE

INFORMATION SOURCE	NUMBER
From women's centre	37
From media	21
From other women	13
Other	12
During investigation/court	2
Total	85

The same 61 women were asked about the type(s) of information they were most worried about being disclosed. The women who answered this question provided a total of 79 responses. These are presented in Figure 7.1.

FIGURE 7.1



The most frequent, single response to the question concerning the type of information disclosed was "any personal information". Most of the other responses were related to information concerning the problems or issues stemming from their experiences of sexual abuse, including

their past sexual behaviour or relationships, drug and/or alcohol addictions, psychiatric histories and histories as sex trade workers.

Further, some women feared that their experiences of abuse or other personal information such as their sexual orientation would be revealed to members of their families or others close to them. Only six women indicated that they had no concerns about their records being disclosed. These women recalled being so angry over what happened or so concerned for their own safety or the safety of others following the abuse that the possibility of record disclosure became secondary.

8.0 ATTEMPTS TO ACCESS PERSONAL RECORDS

Of the 64 survivors who reported their abuse to the police, 54 provided information on whether or not there had been an attempt to access their personal records.[13] As shown in Table 8.1, over a third of these women (19) responded in the affirmative. It should also be noted that close to a fifth (10) indicated that they did not know.

TABLE 8.1 ATTEMPTS TO ACCESS PERSONAL RECORDS

REQUEST	NUMBER
No	25
Yes	19
Don't know	10
Total	54

In the 19 cases where there was an attempt to access personal records, 10 women reported that only one type of record was requested while the other 9 named more than one, for a total of 35 responses. As shown in Figure 8.1, counselling records were the most frequently sought (13), followed by medical records (9).

FIGURE 8.1

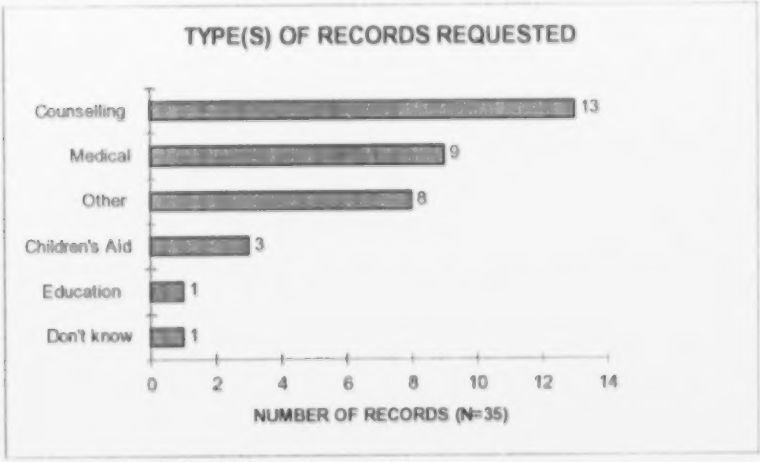


Table 8.2 indicates that the records were requested by the defence in almost three-quarters (14) of the cases.

[13] In sexual assault cases, the accused may seek personal records about the complainant from third parties, i.e. therapists, doctors, employers and others, in an effort to find information to use in his defense. These records are generally not part of the evidence the crown would be relying on to prove the assault; they are held by the parties that created the records.

TABLE 8.2 RECORD REQUESTOR

REQUESTOR	NUMBER
Defence lawyer	14
Other	3
Police	1
Crown attorney	1
Total	19

As shown by Table 8.3, women's confidential records were released in almost three-quarters (13) of the cases in which access was sought. It should also be noted that one woman did not know whether or not her records had been released. Another did not respond to the question.

TABLE 8.3 RECORD RELEASE

RELEASE	NUMBER
Yes	13
No	4
Don't know	1
Total	18

Table 8.4 indicates that the women's confidential records were released to the defence in 9 of the 13 cases in which access was granted.

TABLE 8.4 RECORD RECIPIENT

RECIPIENT	NUMBER
Defence	9
Crown attorney	2
Police	1
Other	1
Total	13

Only one woman reported that the records had been used specifically for her benefit - that is, to obtain compensation. Another said that the prosecution had used her records during the trial "to tell her story", adding that the defence had used the same records to develop questions to discredit her. In fact, most of the women said that their records had been used in this way.

Women whose records had been released to the defence reported feeling re-victimised, violated and betrayed by the justice system and sometimes by the record holder for divulging them. For instance, a woman who thought that justice personnel had taken her records in confidence felt betrayed when they were released to the defence. This feeling was enhanced when her self-represented abuser used them to discredit her in court.

Another woman reported that her self-represented abuser found her address on the police file, enabling him to intimidate her during the trial. Her experience highlights the importance of

ensuring that any personal information that is disclosed to a third party does not compromise the woman's safety.

Given their experiences, it is hardly surprising that many of the women interviewed question the legitimacy and fairness of allowing the defence – or anyone else – to access their personal records. In one woman's words: "My own personal thoughts and feelings are not relevant to anyone else but me. They are not evidence."

Nor is it surprising that many women feel that the system is "on the side of the accused", to the detriment of sexual assault survivors. This perception is based on a number of observations, including the fact that their personal records can be accessed while the defendant's cannot[14], and the fact that they can be forced to answer questions on their past behaviour while the defendant is under no obligation to testify.

[14] As a general rule, the defendant's criminal history can only be considered at the time of sentencing.

9.0 IMPACT OF RECORD DISCLOSURE ON THE COUNSELLING RELATIONSHIP

It is important to emphasise that the possibility of record disclosure can impact on the women's decision to seek counselling and on the nature of the counselling relationship. As one respondent put it: "(the counsellor's office) is no longer a safe, confidential space". As a result, some of the women who reported their abuse to the police decided to postpone or to discontinue their counselling sessions until after the criminal proceedings.

Women who stayed in counselling attributed their decision to the fact that their counsellor did not record any personal information, or their belief that she would not disclose any information that she did record to a third party. Nonetheless, a woman recalled that she remained cautious about what she discussed during the sessions for some time, delaying the establishment of a trusting relationship with her counsellor.

As another woman pointed out, concerns over possible record disclosure can also limit the range of resources available to survivors who are unwilling to use programs and services that record personal information.

10.0 WHAT WOMEN WOULD CHANGE IN HOW THE CRIMINAL JUSTICE SYSTEM HANDLES SEXUAL ASSAULT CASES

Women who decided to report their abuse to the police had certain expectations of the criminal justice system. As previously stated, however, their experiences generally differed from those expectations. For instance:

- women who had hoped to regain a measure of control over their lives realised that control rested with the police and the prosecutor, both of whom decide whether or not the case is "good enough to proceed" and whether or not to drop the charges;

- women who had hoped to voice their experiences and to be heard felt that the courts had not necessarily allowed them to do that, imposing limitations on what they could say;

- women who had wanted the perpetrator to "own" what he did to them noted that they "didn't even get a chance to say anything to the rapist", to say "you did this to me";

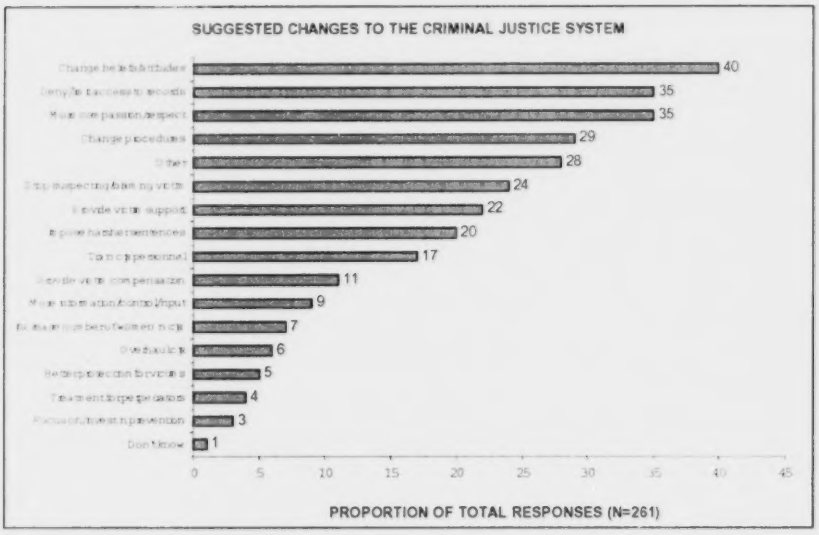
- women who wanted sentences to reflect the seriousness of sexual abuse thought that abusers received lighter sentences than those convicted of property offences.

Women who have been through the criminal justice process describe it as "cruel", "cold and uncaring" and "hard on them". As one woman said: "it doesn't make anything easier if you go to court". According to another, women who decide to report their abuse must be sure that they are "emotionally strong enough to go to court and face the accusation of their perpetrator and sometimes the public".

One respondent argued that: "Most women who do report, do it for the same reasons that I did: to stop the abuser. They don't want to have to go through the court system to do that." As a result, some women said that there should be another way for them to come forward with their stories. One suggested an alternative mechanism that would allow women to document their abuse and to confront their abuser in the presence of a police officer and a social worker (to guarantee their physical and emotional safety).

All of the women who participated in the survey were asked what they would change in how the criminal justice system handles sexual abuse cases. The 99 women who responded to this question provided a total of 296 responses. These are summarised in Figure 10.1.

FIGURE 10.1



Six of the women were brief and to the point, arguing that the criminal justice system needs "a complete overhaul" in relation to the way it handles sexual assault. As the women expressed it: "It's not one thing, it's the whole thing." "It's a wealthy old boys' club. It's not working for women." "The criminal justice system should be updated to meet the needs of all, not only men." "(It) should stop being a man's institution and be a people's place to find justice."

The rest of the women identified a number of specific areas where they felt that changes to the system could be made. Most of the suggestions concerned how criminal justice system personnel as well as social workers and healthcare professionals could better deal with women as survivors, victims and/or witnesses in sexual assault cases.

- They felt that those working with sexual assault survivors - both in and out of the criminal justice system - need to ***be more sensitive*** to survivors' realities and needs. As one woman said: "I wish they could know how it feels (to be sexually assaulted)... They need to understand the real experiences."

- Women emphasised the need to ***stop blaming the victim***. In two of the women's terms: "We are made to feel responsible for the perpetrator's behaviour and then blamed for the sexual assault happening to us." "Women don't ask to be raped. They should not be treated as though they were wrong... They were the ones who were wronged."

  Similarly, a woman who was repeatedly raped by her husband contends that she was blamed because she stayed with him as long as she did. Another woman who was sexually assaulted by a stranger contends that she was blamed for "being there" and for what she was wearing.

  In addition to being blamed for the abuse, women can also be blamed for reporting it. For instance, a young woman who was sexually assaulted by a fellow student said that both her male and female classmates verbally abused her when she decided to report it: "There is no

way that I was made to feel that I did the right thing. As long as there was no charge they supported me but as soon as I went to the police and made it public, I was the bitch for treating my perpetrator so mean."

- Accordingly, they would ***provide training*** to everyone working in the criminal justice system to enhance their awareness of and sensitivity to the issues related to violence against women. They hoped that such training would encourage justice personnel to treat survivors with more compassion and respect rather than suspicion and blame.

  A woman of colour argued that police officers can be "very racist against people from different cultures" and would also offer training in this area.

- They would ***provide women with legal support*** to guide them through the process, particularly in disclosure cases.

- They would ***ensure that women are able to access emotional support*** from the time of the assault and at all stages of the legal proceedings. Many mentioned how helpful it had been to talk to women who had been through the same experiences - and to have the opportunity to help others by sharing their own experiences with them.

- A few women would ***impose harsher sentences*** based on their belief that sexual abusers are getting more lenient sentences than perpetrators of less serious offences. As one woman put it: "They invade our bodies and don't get as much time as (for) theft. This sends a message that it is not as bad a crime".

- They would ***deny access to personal records*** without the woman's consent. In one respondent's words: "it is an incredible way of keeping women silent". It is also perceived as unfair that the victim in a sexual assault case can be forced to take the stand and - in one woman's words – "be attacked" when the accused does not have to testify.

- Given women's often difficult economic circumstances, they would also ***provide compensation*** for transportation costs, lost wages due to court appearances or their inability to work, and counselling services of their choice.

- They would ***provide women with more information*** from the outset on the criminal justice process and how it operates, so that they know what to expect and can make an informed decision on whether or not to proceed with charges. A woman who reported under pressure from hospital staff said that she had no knowledge of what she was putting into motion, what would happen next or what her other options were.

- A woman whose abuser left the country after being released on bail would ***involve women in bail hearings*** so that they can provide the judge with an account of what happened and their opinion on the likelihood of the accused appearing in court.

- They would ***increase the woman's involvement and control*** in the criminal proceedings by seeking her input in key decisions. For instance, it was suggested that plea-bargaining should only be allowed with the victim's consent.

- They would ***make it easier to talk about the assault*** "in a safe place and in a safe way". Women suggested a number of possible strategies for doing this, including the following:

  - guaranteeing women's privacy by closing courtrooms to the public and granting publication bans;

  - allowing women to testify in chambers, "away from the defendant";

  - stopping defendants who are self-represented from questioning the victim;

  - increasing the number of female police officers and judges "so that women can feel more comfortable" during the police interrogation and in court;

  - in the case of child witnesses, one woman suggested that "judges should speak personally to children at their level".

- They would ***speed up the process*** by limiting the number of adjournments and postponements. From the women's perspective, delays indicate that the courts do not consider sexual assault cases to be a priority. They are also seen as decreasing the likelihood of obtaining a conviction.

  Women also argued that "delays can wear you down". In fact, one woman stated that she may have supported "a plea-bargain" because of this. Another described the difficulty of dealing with delays in these words: "Waiting for the court to decide whether you were raped or not is terrible. It is like being raped all over again. You have no control over what happens in the court. You are a powerless victim to the justice system, like a kid again."

- They would ***make the abuser accountable*** for his actions by acknowledging what he did and effecting some sort of restitution. As one woman said: "The offender should have to pay back somehow." Another added: "Women should be asked what they want from offenders."

- Others would ***make abuser treatment compulsory***.

11.0 LOOKING BEYOND THE CRIMINAL JUSTICE SYSTEM

The survey respondents also emphasised the need to look beyond the criminal justice system to address the root causes of sexual abuse.

- A number of women emphasised the need to ***change how we socialise our children***. One argued that: "A lot of the problem is still how we raise our children, especially our male children. The old ideas about men and women are still there."

- One woman would ***invest in prevention and education*** "instead of waiting until it (sexual abuse) happens then spending money to find out how it was done".

- Others emphasised the need to ***educate women and children*** of all ages about the nature of sexual assault and where to go for help.

- Some would also ***establish centres for men and boys who have been sexually abused*** in order to prevent them from becoming abusers themselves. One woman noted that there are very few places where men – particularly poor men - can go for help and that waiting lists are long

12.0 CONCLUDING REMARKS

The survey results highlight a range of factors that may influence a woman's decision whether or not to report her experience(s) of sexual assault to the police. These include the women's experiences or beliefs concerning the responses of the criminal justice system to sexual assault, their definition of what happened to them, and the reactions of those around them.

Women who recognise that they have been abused seem to be more likely to report than women who minimise, are ashamed of or blame themselves for what happened. Similarly, women who are believed and validated by their partners, families and friends or by criminal justice personnel seem to be more likely to report than those who are not.

Sexual assault survivors who have been in contact with the police or courts as victims or witnesses describe many aspects of the criminal justice process - including the possible disclosure of their personal records - as a form of re-victimisation. While this may not stop them from reporting their abuse, it definitely makes it more difficult for them to do so.

The women who participated in the survey suggested a number of ways to improve current criminal justice responses to sexual assault. The very few positive experiences described by the women who reported their abuse to the police are proof that greater sensitivity and respect on the part of criminal justice personnel can go a long way in minimising the negative experiences of survivors.

Some women also emphasised the need to look beyond the criminal justice system to address the root causes of sexual assault and to enhance societal support for reporting. As one woman put it: "When it comes to sexual crimes, denial is comfortable for everyone."

Finally, the survey results confirm the importance of continuing to involve sexual assault survivors in research to inform policy development and to monitor its implementation. As one woman suggested, "people who make the laws should sit down and talk with those who are impacted by those laws".

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APPENDIX 1
PARTICIPATING CENTRES

Attira Transition House Society
British Columbia

Kamloops Sexual Assault Counselling Centre
British Columbia

Vancouver Rape Relief and Women's Shelter
British Columbia

Chatham-Kent Sexual Assault Centre
Ontario

Haldiman-Norfolk Women's Services
Ontario

Sexual Assault Crisis Centre of Essex County
Ontario

Sexual Assault Support Centre of Ottawa
Ontario

Timmins and Area Women in Crisis
Ontario

Woodstock Women's Emergency Centre
Ontario

Avalon Sexual Assault Centre
Nova Scotia

St-John's Newfoundland Rape Crisis Centre
Newfoundland

APPENDIX 2

INFORMATION SHEET FOR WOMEN PARTICIPATING IN THE SURVEY

Use of personal records in Criminal cases regarding sexual assault

Survey of women who have experienced sexual assault

Who is doing the survey?

In cooperation with the Canadian Association of Sexual Assault Centres (CASAC) and eleven sexual assault and women's support centres, the Department of Justice Canada is surveying about 100 women across Canada who have experienced sexual violence.

The centres have arranged with Justice Canada to help facilitate women's participation in the survey. The centres are asking women to take part in the survey, and coordinating with the interviewers and participating women to set up interview times.

Justice Canada has hired women known for their knowledge and sensitivity to women's issues to do the interviews for the survey by telephone. Justice Canada will be doing a survey report based on the information from the interviews.

Why is this survey being done?

Justice Canada wants to hear from women who have been sexually assaulted about what they consider when deciding whether to report the assault to the police. At this time, the Department is particularly interested in the women's perspectives on the use of women's personal records in sexual assault cases that go to court.

Will my name be given to the Department of Justice?

No. Your agreement to participate in this study is between you and the sexual assault or women's support centre that contacted you for the study. Your name will not even be shared with the woman who interviews you on the telephone.

You might nonetheless want to share your *first name* with the woman who interviews you to ease communication. But this is entirely up to you.

How will the interview be arranged?

To protect your anonymity, it is suggested that you call the interviewer from an office at the centre that contacted you for the study at a time suitable to you and the interviewer.

The centre will reimburse any childcare or transportation expenses you incur to participate in the interview. In addition, as a small token of appreciation for you participation in the survey, you will receive an honorarium of $20.00.

How long will the interview take?

The interviews should last between 45 minutes to an hour.

What if I feel like stopping the interview?

If at any time you are uncomfortable with the interview or wish to terminate it, simply tell the interviewer that you wish to end the call.

After the interview

A counselor at the sexual assault or women's support centre will be available for you to talk to after the interview if you wish to do so.

Survey report

The actual write up of the survey results will be available later in the fall of 1998. Justice Canada will send copies to the centres, which will provide you with a copy upon request.

APPENDIX 3

SURVEY QUESTIONNAIRE

Sexual Assault Survivor Survey

DATE: _____

INTERVIEW CODE: **Centre Number** _____
Interview Number _____

START TIME: _____ **END TIME:** _____

PRELIMINARIES

- Thank you for agreeing to be interviewed. I'd like to first quickly review the purpose and focus of the interview.

- As you are probably aware, the Department of Justice Canada wants to know about what women who have been sexually assaulted consider when deciding whether to report the assault to the police. At this time, the department is particularly interested in your perspectives on the use of women's personal records in criminal proceedings for sexual assault cases.

- The _____ (Centre), along with a number of other centres, have been working with Justice Canada by putting you and other women in touch with the study for an interview.

- The interview will last from 30 minutes to an hour, depending on the number of questions that are relevant to your experience. The interview starts by asking about the kinds of sexual violence you have experienced, whether you reported to police and why or why not. I'll then ask you some questions about criminal proceedings. I'll end the interview with some personal questions, such as age, etcetera.

- I would like to confirm with you that you have received the information sheet, and that you understand the following:

- The interview is completely anonymous;
- The interview is *not* tape recorded;
- If at any time you are uncomfortable with the interview and want to end it, just tell the interviewer that you wish to end the call;
- Your identity will not be revealed to me or the Department of Justice, or anyone else by the woman or women who invited you to participate in this study.
- You will be reimbursed by the _____ (Centre) for any transportation or childcare expenses you may have incurred in order to participate in this interview.
- Justice will be providing the _____(Centre) with copies of the survey report in the fall (98). A copy will be made available to you upon request to the _____(Centre).

- Any questions at this point?

- One last thing before we begin the interview: I need to establish that you feel you are well enough informed about the study and are participating of your own free will.

INTERVIEWER:
Please check here to indicate that you are satisfied that the interviewee has chosen to participate in this interview with her full and informed consent ❒

READY TO START?

QUESTIONS

Type of sexual violence experienced

1. Clearly you are talking to me because of sexual violence that has happened to you. I am going to read a list of different ways that women experience sexual violence. I would like you to tell me which of these fit with your experience or experiences:

   Child sexual abuse ❐

   Sexual assault as an adult ❐

   Sexual harassment ❐

Considering whether to contact police

2. Did you consider reporting any of these to the police?

3. Would you please tell me about what influenced your decision to report or not?

4. Which of these experiences (if any) did you decide to report?

IF WOMAN DID NOT REPORT ASSAULT, GO TO 20

After contacting the police

FOR EACH EXPERIENCE:

5. As far as you know, was the perpetrator picked up by the police? If yes, can you recall how long it was between when you reported to police and when he was picked up?

6. Do you know whether or not he was charged?

IF UNKNOWN OR NO CHARGE, GO TO 10

After charge is laid

7. After the charge was laid, did anyone keep you informed of the development of the case? If so, who kept you informed, and how?

8. Can you tell me where the case is at now?

9. Was there any plea bargaining? Were you consulted?

Access to personal records

10. Has anyone in the criminal justice system ever tried to get any of your personal records, like your counselling, medical, employment or education records? (Applications to get access to these records are sometimes referred to as "O'Connor applications".) IF NO, GO TO 20

11. What kinds of records were requested?

12. Who requested the records?

13. How did you find out that these records were being requested?

14. Were any of the records released? IF NO, GO TO 19

15. Who authorized their release?

16. To whom were they released?

17. As far as you know, how were the records used?

18. How did you feel about your records being released and the way they were used?. (Where appropriate, ask how this has affected the woman's relationship with the record holder, i.e. if the woman is/was receiving counselling.)

19. Did you have any say in the matter?

Awareness

20. Are / Were you aware that women's personal records can be used as evidence in sexual assault cases? IF NO, GO TO 22

21. IF YES, how did you become aware of this?

22. Would this have influenced / Did this influence your decision about whether or when to report the assault to the police?

23. Would this have influenced / Did this influence your decision about whether or when to proceed with counseling following the assault?

IF WOMAN INDICATES THAT POSSIBLE RECORDS DISCLOSURE DISCOURAGED OR WOULD HAVE DISCOURAGED HER FROM REPORTING TO POLICE AND/OR RECEIVING COUNSELLING:

24. What in your history or files are/were you most worried about when you thought about the information being revealed in court?

In retrospect

25. Based on your experience, what do women who have been sexually assaulted need to know about the criminal justice system?

26. Based on your own or what you know of other women's experiences, if you could change one way about the way the justice system deals with women's experiences of sexual violence, what would that be?

In closing

We would also like to see if this study can tell us about how different circumstances among women affect their views and experiences. Would you be willing to answer a few final personal questions, such as your age, income, whether you live with a disability, country of origin, etcetera?

27. What is your age?_____

28. Is Canada your country of origin? Yes ❒

No ❒

IF NO, Would you tell me where you were born and how long you have been in Canada?

PLEASE CHECK IF ANY OF THE FOLLOWING APPLY:

29. Are you an Aboriginal woman? ❒

30. A woman of colour? ❒

31. A woman living with a disability? ❒

32. Are you a lesbian? ❒

33. Of the following levels of education, would you tell me which is the highest level you have completed:

Less than secondary ❒
Secondary ❒
Some post-secondary ❒
Post-secondary ❒

Finally,

34. It would also be helpful if you would tell me where your income is between ....

Less than $15,000 ❒
$15,000 to $25,000 ❒
$25,000 to $35,000 ❒
$35,000 to $45,000 ❒
$45,000 to $55,000 ❒
More than $55,000 ❒

35. Do you have any concerns you would like to raise, or points to add before we end the call?

Thank you for participating in the study and goodbye.